City of Lafayette Staff Report

For:	City Council
By:	Tracy Robinson, Administrative Services Director
Date Written:	**June 2, 2008**
Meeting Date:	June 9, 2008
Subject:	Administrative Regulation 523 – Use of Cell Phone While Operating a Motor Vehicle

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Introduction

As of July 1, 2008, a new law will become effective prohibiting drivers from using handheld wireless devices while operating a motor vehicle.

Discussion

This administrative regulation outlines the City's policy with regard to cell phone use for employees who use a City owned vehicle or use a personal vehicle while on City business.

Recommendation

Approve Administrative Regulation 523.

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ADMINISTRATIVE REGULATIONS
Regulation Number 523
Date: July 2008
Subject: Use of Cell Phone While Operating a Motor Vehicle

523.0 Purpose

This policy is designed to comply with State of California laws and safety practices for use of cell phones while operating a motor vehicle. This policy implements the regulations outlined in the California Vehicle Code (CVC) sections 23123 (a) – (h), as they apply to use of handheld wireless telephones and vehicle operations. These CVC sections apply to all City of Lafayette employees when operating a motor vehicle within the course and scope of their duties.

523.1 Requirements

While operating a City-owned vehicle, or operating a personal vehicle while performing City business, employees are prohibited from using a handheld cell phone, unless the phone is configured to allow hands-free listening and talking. This includes text messaging.

A hands-free device is either a corded or non-corded (i.e. Bluetooth) headset or speaker/microphone unit capable of being operated without the use of your hand, arm, shoulder or any other object to hold the receiver up to your ear. Use of the keypad for dialing is acceptable, but text messaging is prohibited.

If a hands-free device is unable to be used, the employee may either:
a) Safely pull to the side of the road, stop, park the vehicle then talk on the phone; or
b) Not answer the phone, waiting until it is save to receive the voice mail or return the call.

523.2 Exceptions

a) Drivers are allowed to make emergency phone calls without a hands-free device (e.g. reporting a medical emergency, traffic collision, etc.)

b) Drivers of commercial vehicles (not pickup trucks) may use a push-to-talk phone until July 1, 2011 (Class A or B driver's license).

c) Sworn Peace Officers are allowed to us a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties.